

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026.PHHC.001781



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**CRM-13183-2019 in/&
CRR-997-2019**

Date of decision: 12.01.2026

Date of uploading: 12.01.2026

Baltej Singh Dhillon

....Applicant/Petitioner

V/s

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Ahluwalia, Senior Advocate with
Mr. H.S. Randhawa, Advocate for the applicant/petitioner.

SUMEET GOEL, J. (Oral)

CRM-13183-2019

1. The present application has been filed on behalf of the applicant-petitioner seeking condonation of delay of 109 days in filing the accompanying revision petition. The main revision petition has been filed impugning the judgment dated 15.09.2018, passed by the learned Additional Sessions Judge, Kapurthala dismissing the appeal preferred by the State of Punjab, acquitting the respondent No.2 from the charges. The applicant-petitioner, by way of instant revision petition, impugns the abovesaid judgment.

2. Learned counsel appearing for the applicant-petitioner, while seeking grant of prayer for condonation of delay of 109 days, has argued that

the applicant–petitioner had applied for the certified copies of the impugned judgment well within the prescribed period. However, due to an inadvertent and *bona fide* error, the trial court record was misplaced, which resulted in the delay in filing the present revision petition. The delay was neither intentional nor deliberate. The applicant–petitioner has now been able to reconstruct the trial court record, and consequently, the present revision petition has been filed without any further delay. It has been further contended that no prejudice is going to be caused to the respondents in case the instant application is allowed and the instant revision petition is heard on merits. Learned counsel for the applicant-petitioner has further argued that the circumstances of the case indicate that the delay in filing the revision petition is neither intentional nor deliberate & hence delay deserves to be condoned.

3. I have heard the learned counsel for the applicant-petitioner and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in ***CRR(F)-1844-2023*** titled as ***Deepak vs. Noori and another***, decided on 29.02.2024; relevant whereof reads as under:-

“8. As a sequel to above-said discussion, the following principles of law emerge:

I.A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1963 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

- II. A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.*
- III. It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.*
- IV. Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on ‘day to-day basis’ for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.*
- V. In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.*
- VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.*
- VII. A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.*
- VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play.”*

5. More recently the Hon’ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation:2024 INSC 286***, has observed as under:

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

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vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) *Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”*

6. More recently the Hon’ble Supreme Court in case titled as ***Shivamma (Dead) by L.Rs. vs. Karnataka Housing Board and others, Neutral Citation:2025 INSC 1104***, has observed as under:

*“171. The next submission that was advanced on behalf of the respondents herein is that, in matters pertaining to condonation of delay, a certain degree of leeway ought to be accorded to the Government and Public Authorities owing to the innate complexities in the way the State apparatus functions. The argument is that due to the inherent bureaucracy and involvement of various departments of different hierarchy which are endemic to the functioning of the State and its instrumentalities, unavoidable delays tend to crop up even without any deliberate intention, and thus, the courts ought to be pragmatic and liberal where the State or any of its instrumentalities is seeking condonation of delay in the filing of the appeal or application, as the case may be. In this regard, reliance was placed on the decision of this Court in **G. Ramegowda, Major & Ors. v. Special Land Acquisition Officer, Bangalore** reported in **(1988) 2 SCC 142.**”*

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212. The law as it presently stands, post the decision of Postmaster General (supra), is unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant.

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218. However, equally important to note is that wherever, any explanation is sought to be given on account of bureaucratic lethargy and inherent complexities of governmental decision-making, the same more often than not would invariably always is an “excuse”, as experience has shown us, depicted from a long line of decisions of this Court. It is at this stage, where the decision of Postmaster General (supra) assumes significance. It seeks to convey the messages, that court should not be agnostic, to how the State or

its instrumentalities, often tend to take the recourse of condonation of delay in a casual manner.”

7. Condonation of delay of 109 days in filing the accompanying revision petition is sought for on the following relevant averments:

“2. That the applicant-petitioner is filing the accompanying revision against order dated 15.09.2018 whereby the court of Ld. Addl. Sessions Judge has dismissed the appeal filed by the present petitioner and has erred in acquitting the respondents of the offences punishable under Sections 379, 447 and 120-B of the Indian Penal Code.

3. That the applicant-petitioner had applied for the requisite copies for the judgment well within time. However, due to an inadvertent error, the record of the trial court was misplaced and as a result, the present delay has occurred in filing the present revision petition. The applicant-petitioner has now been able to reconstruct the record of the trial court and hence, this present petition.

4. That the Hon'ble Apex Court as well as this Hon'ble Court has consistently held in a catena of judgments that the cases should be decided on merits and not on technicalities of law. It has further been held by various benches of this Hon'ble Court as well as the Hon'ble Apex Court that litigants should not be made to suffer on account of the technicalities of law. It has been very lucidly observed by the Hon'ble Supreme Court in Vedabai @ Vijayanatabai Baburao Patil v. Shantaram Baburao Patil, 2001(3) RCR (Civil) 831: 2001(2) PLJ 373, wherein the Hon'ble Supreme Court has been pleased to lay down that sufficient cause should receive liberal construction and the court should adopt a pragmatic approach and distinction should be made between a case where delay is inordinate and a case where delay is of a few days. It is only in the case of inordinate delay that prejudice to other party would be a relevant factor so as to call for a more cautious approach. But in case of delay of a few days, the prejudice to other side does not arise and, therefore, there should be more liberal approach.

5. That the applicant-petitioner has a good case on merits and the delay has occurred due to inadvertence and not willfully at the hands of the applicant-petitioner.”

8. A perusal of the above-said averments clearly show that no reasonable or plausible explanation has been furnished by the applicant-

petitioner to condone the delay of 109 days in filing the accompanying revision petition. This application, apart from bereft of any specific details/particulars which may reflect *bona fide* on part of the applicant-petitioner in pursuing his case, rather reflects a deliberate attempt on part of the applicant-petitioner to somehow entangle the respondents-accused in prolonged litigation. The applicant-petitioner has failed to provide any concrete explanation or document to demonstrate his genuine efforts in pursuing the matter within the prescribed time limit. No cause much less sufficient cause, as required in law, has been shown to justify or condone the significant delay of 109 days in filing the accompanying revision petition. The delay is both inordinate and inexplicable. Merely attributing the delay to unforeseen circumstances, without any supporting details or evidence to substantiate these claims, does not meet the legal threshold for condonation. The applicant-petitioner has neither shown continuous interest in the case nor presented any exceptional or unavoidable circumstances that could explain such an extensive delay.

8.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 109 days in filing the accompanying revision petition merits dismissal.

Decision

9. The application (CRM-13183-2019) seeking condonation of delay of 109 days in filing the accompanying revision petition is

dismissed. Since the application seeking condonation of delay has been dismissed, the main revision petition stands dismissed as well accordingly.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 12, 2026
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No